

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:16-CV-00311-FL

ANGELA THRASHER, )  
Plaintiff, )  
ANDREW SAUL,<sup>1</sup> ) ORDER APPROVING ATTORNEY  
Commissioner of Social Security, ) FEES PURSUANT TO 42 U.S.C. § 406(b)  
Defendant. )  
)

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$16,641.63. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$12,000.00.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

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<sup>1</sup> Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). See also section 205(g) of the Social Security Act, 42 USC 405(g)(action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$16,641.63, and refund to Plaintiff the smaller award (\$12,000.00) between this amount and the EAJA award.

This 14th day of August, 2019.



LOUISE W. FLANAGAN  
UNITED STATES DISTRICT COURT JUDGE